

REMARKS

Claims 1-21 are pending in this application. The Examiner rejects claims 1-21 under 35 U.S.C. 102(e) as being anticipated by Krueger et al. (U.S. Patent No. 5,996,022). Claims 1-21 remain in the case. Applicants add no new matter and request reconsideration.

Claim Rejections Under § 102(e)

The Examiner rejects claims 1-21 U.S.C. 102(e) as being anticipated by Krueger. Applicants traverse the Examiner's rejections.

Claim 1 recites *a network bandwidth monitor for monitoring a bandwidth of the network and a transcoder for transcoding the stored data into reduced data content frames if the monitored bandwidth is less than a first preset value ...* Claims 6, 10, 14 and 18 recite similar limitations. The Examiner alleges that Krueger's WebTV Server 5 contains the recited *network bandwidth monitor*. Krueger, however, does not disclose or enable a module, within WebTV Server 5, for monitoring the bandwidth of the network. Krueger discloses that stored data can be transcoded based on bandwidth constraints of the network. Abstract; column 5, lines 63-64; column 6, lines 50-52; column 9, line 41. As best understood by the undersigned as of this writing, Krueger determines the times of low bandwidth of the network based upon historical WebTV usage data by stating that certain transcoding is preferably performed "during periods of low usage of WebTV services, such as at night." Krueger, column 7, lines 21-24. Since Krueger's WebTV Server 5 does not disclose or enable a network bandwidth monitor for monitoring the bandwidth of the network, Krueger does not anticipate claim 1, or claims 6, 10, 14 and 18 and their corresponding dependent claims.

The Examiner further alleges that Krueger's Transcoder 66 discloses the recited *transcoder*. The Transcoder 66, however, does not enable the transcoding of stored data when *the monitored bandwidth is less than a first preset value*. The Transcoder 66 only discloses the transcoding of an entire file of stored data regardless of the variations in bandwidth of the network during the transmission of that stored data file. Krueger, column 7, lines 25-63; column 8, lines 14-18; Figure 6. These variations in the bandwidth of the network during the transmission of stored data can have detrimental effects upon the play back quality experienced at the receiver. Background of the Invention, page 3, lines 1-13; Figure 2. This is a problem that

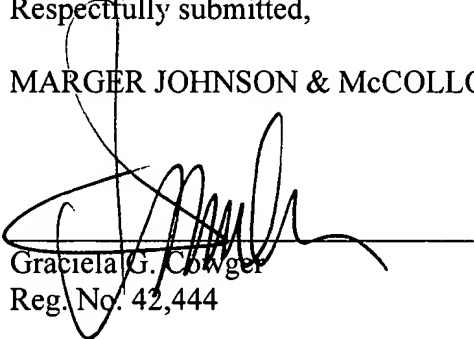
the present invention solves through the use of a *network bandwidth monitor* in conjunction with a variable bit rate *transcoder* that can be activated to dynamically transcode stored data when intermittent bandwidth limitations occur on the network, and thus ensure optimum quality with continuous play back at the receiver. Since Krueger's Transcoder 66 does not enable transcoding of stored data when the monitored bandwidth is less than a first preset value, Krueger does not anticipate claim 1, or claims 6, 10, 14 and 18 and their corresponding dependent claims.

CONCLUSION

For the foregoing reasons, Applicants request reconsideration and allowance of all pending claims. The Applicants encourage the Examiner to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,

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